

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PROSKAUER ROSE LLP,

Plaintiff,

Case No. _____

- against -

JONATHAN O'BRIEN,

Defendant.

**DECLARATION OF CHRISTOPHER H. GARDEPHE IN SUPPORT OF PLAINTIFF'S
MOTION FOR *EX PARTE* TEMPORARY RESTRAINING ORDER**

I, Christopher H. Gardephe, declare as follows:

1. I am the Chief Professional Resources Officer of plaintiff Proskauer Rose LLP ("Proskauer"). I have personal knowledge of the facts set forth herein and, if called to do so, could competently testify thereto.
2. I have been employed by Proskauer since 2007. In my role as Chief Professional Resources Officer, I manage numerous programs relating to the professional development of Proskauer's associates, among other duties. Beginning in January 2020, I reported to defendant Jonathan O'Brien ("Mr. O'Brien"), who held the position of Proskauer's Chief Operating Officer.
3. I sit on the 29th floor of Proskauer's New York City office located at Eleven Times Square. Mr. O'Brien occupied an office near mine on the 29th floor.
4. On Wednesday, December 21, 2022, Daryn Grossman, Proskauer's Managing Partner, informed me that Mr. O'Brien had given notice of his resignation from Proskauer.

5. In the late afternoon or early evening that same day, Mr. O'Brien stopped by my office. I told Mr. O'Brien that I knew he had given notice of his resignation. During the course of our relatively brief conversation, Mr. O'Brien said he was not allowed to tell me where he would next be employed. After discussing his belief that Proskauer's management was unhappy with his resignation, he said, as closely as I can recall, that I should "wait until [Proskauer's management] find[s] out where [he] is going if you think they're mad now." He was smirking as he said this to me.

6. Mr. O'Brien also told me he was about to leave for a vacation, did not know whether he would return to the office again, and had given his assistant instructions about how to pack up his office in the event he did not return to it before his last day of employment with Proskauer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: New York, New York
December 27, 2022



Christopher H. Gardephe